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## C O N T E N T S

	<u>STATEMENT OF:</u>	<u>PAGE</u>
2		
3	Joseph L. Rauh,	
4	On Behalf of Americans for	
5	Democratic Action;	
6	-- Accompanied by --	
7	Mrs. Lynn Pearle,	
8	Legislative Representative	3
9	Mrs. Norma Morrison,	
10	Member, Chicago Committee for	
11	Advancing the Democratic Process	13
12	Charles R. Baker,	
13	Executive Director,	
14	Institute for American Democracy	21
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NOMINATION OF OTTO OTEPKA TO BE A MEMBER OF  
THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Thursday, May 20, 1971

United States Senate,  
Subcommittee on Nominations of the  
Committee on the Judiciary,  
Washington, D. C.

The Subcommittee met, pursuant to notice, at 10:40 a.m.,  
in Room 2228, New Senate Office Building, Senator Roman L.  
Hruska presiding.

Present: Senator Hruska, (presiding).

Also present: John H. Holloman III, Chief Clerk.

1 Senator Hruska. The Subcommittee will come to order.

2 The Chairman of the Subcommittee and of the Judiciary  
3 Committee is engaged in official Senate business elsewhere and  
4 asked the Senator from Nebraska to conduct these hearings this  
5 morning.

6 This hearing is on the nomination of Otto F. Otepka of  
7 Maryland to be a member of the Subversive Activities Control  
8 Board for the term expiring August 9, 1975. It is by way of a  
9 reappointment.

10 The nomination was submitted to the Senate on September 28,  
11 1970, and resubmitted February 27, 1971. Notice of this hearing  
12 appeared in the Congressional Record on Thursday, May 13, 1971.

13 A number of witnesses have indicated their desire to  
14 testify. We will extend the usual courtesies to a former  
15 colleague, Senator Steven Young.

16 Is Senator Young here?

17 (No response)

18 Mr. Stephen Schlossberg, General Counsel for the Inter-  
19 national Union, United Automobile, Aerospace & Agricultural  
20 Implement Workers of America, has sent in a statement saying he  
21 will not be able to be present but wants the statement incorpor-  
22 ated into the record. It is so ordered.

23 (The statement referred to follows:)

24

25

STATEMENT OF STEPHEN I. SCHLOSSBERG,  
GENERAL COUNSEL OF THE INTERNATIONAL UNION,  
UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW)

BEFORE THE

SENATE JUDICIARY COMMITTEE

May 19, 1971

The backdrop for the present hearings is the vigorous effort by Mr. Otepka and his supporters to regain his previous post as the chief security officer for the U.S. Department of State. Mr. Otepka was relieved of his post under charge that he had conducted himself in a manner unbecoming an officer of the Department of State. One of the specifics cited in support of this charge, was that Mr. Otepka conceded that he had given a classified memorandum entitled, "Processing The Appointment of Members of the Advisory Committee on Internal Organizations Staffing" to J. G. Sourwine of the staff of this Senate Judiciary Committee.

It is not my intention to get into the merits of the State Department action beyond noting that Senator Eastland and staff counsel Sourwine had established equities in Mr. Otepka's position and actions of that time. What is important now is not whether the Civil Service Commission

erred in upholding the State Department's action but rather Mr. Otepka's present fitness to occupy the high post to which he has been appointed.

There is ample evidence on the record that Mr. Otepka's long fight for reinstatement was financed in part by the John Birch Society and that he openly accepted this support.

Mr. Otepka has accepted \$21,000 in funds from members of the Birch Society and their allies. He has appeared at affairs sponsored by the Birch Society. The fact that Mr. Otepka has had many opportunities to disassociate himself from the Birch Society, and has declined to do so, says a great deal about his present capacities to understand the sound of subversion.

Mr. Otepka has had ample opportunity to disassociate himself from Liberty Lobby, an anti-Semitic, ultra-racist right-wing organization run by Willis Carto. There is no question that Mr. Otepka accepted the support of Mr. Carto. He concedes that Mr. Carto and Liberty Lobby paid for a color motion picture used to promote his cause. Liberty Lobby publications are replete with charges of treason in high places and the allegation of subversive

influences in our Department of State. The fact that Mr. Otepka apparently sees nothing wrong with his association with Liberty Lobby says much about his capacity for evaluating internal security.

If all that were at stake here were political patronage, I am sure we would not be much concerned. The fact that Robert Welch, The Liberty Lobby and the American Security Council rejoice over what they term Mr. Otepka's "vindication" would be at best of transitory interest were it not for the fact that the Subversive Activities Control Board as it is presently constituted can hardly last. It has frequently transgressed on constitutional safeguards and the courts have as frequently rebuffed it.

What does Mr. Otepka want the Board to do, and more importantly, what would he do if he got the power that he seeks for it? The best source I have found which indicates his belief is the issue of H.L. Hunt's Life Line of January 1, 1970, in which Mr. Otepka appears in an article under the caption, "America's Top Security Evaluator Says The Soviet Inspired Revolution In America Has Begun, He Explains What Has Happened and How Internal Security May Be Strengthened To Save America From The Bearded Barbarian."\*

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\*Attached

One gets the impression that the subversives that Mr. Otepka wants to protect America from are the dissident youth whom he has already concluded are somehow a part of a "Soviet-inspired revolution".

Four Presidential commissions (Kerner, Eisenhower, Scranton, and U.S. Civil Rights) have examined this so-called revolution at considerably more depth than Mr. Otepka and have reached entirely opposite conclusions. The one thing we obviously do not need as a government apparatus is yet another witch-hunting agency to find evidence to support its prior conclusions. In this article for Mr. Hunt's newspaper, Otepka writes,

Under S-12 the Board (SACB) would have an administrator charged with initiating inquiries into organizations where such inquiries are obviously in the public interest. The names of those cleared of subversion would not have to operate under a cloud of public suspicion. They would share with the nation the advantages of their own freedom of dissent, for the common good. S-12 would make another valuable contribution to the safety and security of the nation. It would create a Security Administration for Executive Departments. The creation of a Security Administration to protect the nation from its enemies in the various departments of its government would make it possible to learn in good time just how secure the nation really is from the spies and saboteurs who do, in fact, exist. The last time I had intimate knowledge of some in the State Department who sabotaged foreign policy, many of them were more secure than I was.

Thus we are led to presume that Mr. Otepka would like the power to go after the "spies and saboteurs" that he believes still exist in the Department of State. If there is one thing this country does not need in these troubled times it is a super security agency, administered by political extremists who, under the guise of a specious anti-Communism, attempt to impose an orthodoxy on our young.

The UAW is concerned about the very existence of the Subversive Activities Control Board. It is a threat to the liberties of the people of this country. We are indeed pleased that one member of the Judiciary Committee, Senator Ervin, has seen fit to embark on a crusade to protect the civil liberties of Americans and to protest the increasing surveillance by one arm of government after another. To appoint a man like Otto Otepka to a Board which long ago should have been abolished is to compound the injury to the body politic.

A Subversive Activities Control Board helping the Birch Society achieve its objectives of combatting the "Communist influences which surround President Nixon;" advancing the American Security Council's objective of casting doubts about the "patriotism" of senators and congressmen who do not share their view of military priorities, is a step down the road toward authoritarianism.



It may be that Mr. Otepka is a victim of a zeal to do his job as he sees it too well, and if so we can sympathize with him. We can hardly afford to let this becloud our judgment as to whether he is now qualified to sit in judgment of his fellow man, under conditions where individuals can be branded for life, without the usual legal safeguards supplied in a court of law. Whether Otto Otepka is a true John Bircher or simply an intellectual sympathizer is a moot question. Either way we cannot afford to have a man of his apparently warped view of national security in a position to do great harm.

Unless evidence is developed through cross-examination which negates what I have said above, I must urge this Committee to reject Mr. Otepka's nomination.

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LIFE LINES

Vol. 12 #65  
June 1, 1970

AMERICA'S TOP SECURITY EVALUATOR SAYS THE SOVIET-INSPIRED REVOLUTION IN AMERICA HAS BEGUN. HE EXPLAINS WHAT HAS HAPPENED AND HOW INTERNAL SECURITY MAY BE STRENGTHENED TO SAVE AMERICA FROM THE BEARDED BARBARIAN.

## The Revolution Against America and Internal Security

by OTTO OTEPKA, Member, Subversive Activities Control Board

The historian Arnold Toynbee said that of the 20 great civilizations of the past 19 were destroyed from within.

They were mobbed to death largely by well-intentioned dissidents following leaders they knew too little about. By the time they learned the true character and intentions of those who had placed themselves at their head, it was too late. They had gambled away their heritage in the tragically vain hope of improving upon their good fortune.

The ragged unkempt dissidents who stormed the Bastille in Paris might never have been willing to march if they had known that the firebrands at their head were leading them into a reign of terror. Their leaders first killed Frenchmen by the thousands and finally turned upon each other.

And the Russian dissidents of 1917—would they have been so eager to follow Lenin, Trotsky and Stalin against the reform government of Alexander Kerensky had they known what lay ahead? They would have recoiled in horror from the idea of demonstrations which inaugurated one of the great tragedies in the annals of man's inhumanity to his fellow men.

Will historians of the future say that the great American experiment in enlightened self-government was destroyed by a minority of its citizens groping blindly behind banners promising them special privilege and license?

Much of the discontent engendered among the radical elements is over issues which are being resolved in the normal strides of

human progress. Many dissidents know this full well; yet they troop along in the demonstrations for the lark of it, stimulated by the drum major who capers at the head of the column.

Some think he is a bearded buffoon, but what if he is a bearded barbarian?

He tells them he is leading them in a campus frolic to the doors of the White House; but what if he has been given secret orders to loot and burn the White House?

What if hundreds of other barbarians were waiting across the nation to stage an epidemic of uprisings, and what if these uprisings are strong enough—or public

reaction weak enough—to throw the nation into the grip of full-scale revolution? Constituted authority might succeed in putting down the rebellion.

But history takes less note of rebellions that fail than it does of those that succeed.

The rank and file of rebellion are always among its first and most pathetic victims. There is the double remorse of realizing that they are responsible for their own ultimate misfortune.

What is needed now is to identify the leaders for them before it is too late. If the dissidents of the nation can know in advance the backgrounds and affiliations of those who aspire to lead them, they can elect to follow only those leaders willing to lead them in their own cause.

Those who want the streets red with blood can join up behind leaders committed to that purpose; those who wish only to demonstrate their peaceable dissatisfactions could choose leaders who could be expected to respect their wishes not to be plunged into violence and bloodshed. If lost and strayed Americans need this information, then the nation needs desperately for them to have it.

A major step toward identifying subversive Americans began when Richard Nixon, then in the House of Representatives, and Sen. Karl Mundt proposed a bill in 1948 that evolved into legislation enacted in 1950 for the public exposure of organized subversion. The Subversive Activities Control Board (SACB), created by the act,

(Please see page)

### The Otepka Case

Otto Otepka was formerly the "Mister Security" of the U.S. State Department. He was eased out of his job on false charges and subjected to professional tortures unmatched in bureaucratic history.

#### His crime?

He did his job too well. The forces within the U.S. State Department who knew he stood in the way of backdated security clearances—and often, no security checks at all—of employees who would have access to extremely sensitive intelligence data.

See inside, page 3, for the background of the Otepka Affair.

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Attorney General John Mitchell sent the board 15 cases so far.

The Supreme Court has consistently recognized that the President of the U.S. has broad power of authority. Mr. Nixon could issue an executive order to expand the board's authority to require factual information to government security officers that may be a factor in determining fitness for sensitive jobs. Now, in the Senate, a bill is pending which would reveal, if allowed to come to a vote, just how well the New Left succeeded in its employment of "pressures from above" in the United States.

The bill, S-12, was sponsored originally by the late Everett Dirksen of Illinois and a number of other public spirited Senators and was introduced by Senator Eastland in his dual capacity as Chairman of the Committee on the Judiciary and of its Subcommittee on Internal Security. It is expected that the full committee will vote the bill out to the floor of the Senate for debate in the very near future.

The bill would strengthen the security of the United States by the enactment of a new internal security act (Emphasis is mine—ED).

Under S-12, the board could investigate any administrator charged with conducting inquiries into organizations where such inquiries are obviously in the public interest. The names of those cleared of subversion would not have to operate under a cloud of public suspicion. They would share with the nation the advantages of their own freedom of dissent, for the common good.

S-12 would make another valuable contribution to the safety and security of the nation. It would create a Security Administration or Executive Departments.

The creation of a Security Administration to protect the nation from its enemies in the various departments of its government could make it possible to learn a good time just how secure the nation really is from the spies

## L 'affair Otepka

The Otepka Affair had everything.

A tapped telephone, the fall of a Caribbean nation to communism, false testimony, planted evidence, courtroom drama, dupes, homosexuals, stolen files, and politicians who thought security was an adjective describing Linus' baby blanket. These were the props, techniques and actions of men who forged U.S. Foreign Policy, a policy which affects the security, daily lives and pocketbooks of every living American.

Otto Otepka is a soft-spoken American of Czechoslovakian descent who rose in government service through talent and ability. In 1958, about two years before the incredible persecution of Otepka began to unfold, he received the State Department's Distinguished Service Award for outstanding work and devotion to duty. He was recognized as the country's top security evaluator in his role as Chief of the Security Evaluations Division of the State Department.

Otto Otepka's crime was to tell the Senate Internal Security Subcommittee the State Department was hiring people for sensitive positions without giving them a background check as to loyalty. He also refused to allow the hiring of Walt Rostow for a State Department position without a full security check—as requested by Robert Kennedy and Dean Rusk. He revealed the background of William Wieland, chief of the Caribbean desk at State, who had withheld information that Castro was sympathetic toward communism. SISS was intrigued to learn that Wieland had been hired by the Truman administration without a security check.

The State Department removed Otepka as Chief Security Evaluator on trumped-up charges it later dropped. It is common knowledge that the Department was removing the one man who could prove the permeation of the State Department by Soviet sympathizers, dupes and agents.

Otepka fought for six years to get his job back. State refused and President Nixon appointed him to SADC. Meanwhile, Otepka's phone was tapped, evidence against him was planted, two State employees lied to the Senate Committee concerning Otepka, and William Wieland was promoted to a top position in the American embassy in Australia.

To this day, the State Department hiring practices remain the same, if not worse, as they were in 1963 when Otepka was axed. The implications of this are staggering.\*\*

and saboteurs who do, in fact, exist. The last time I had intimate knowledge of some in the State Department who sabotaged foreign policy, many of them were more secure than I was.

The Chief of the Foreign Section of the Central Committee of the Communist Party—Boris Ponomarev—wrote a paper which was distributed in November 1964 by the Soviet Embassy in Washington.

The paper contained this sentence: "The revolution in the United States has begun."

Ponomarev was then, and presumably remains, the second highest official in the Soviet ruling clique, outranked only by Mikhail Suslov. This is the estimate of Lt. Gen. Arthur Trudeau (Ret.), a highly knowledgeable United States Army Intelligence chief.

In effect, Ponomarev was de-

1 Senator Hruska. The next witness will be Joseph L. Rauh,  
2 Jr., who represents the Americans for Democratic Action.

3 Will you come forward, Mr. Rauh, please?

4 Mr. Rauh has filed his statement pursuant to the rules of  
5 the committee.

6 You may proceed to make your statement, Mr. Rauh.

7 STATEMENT OF JOSEPH L. RAUH, ON BEHALF OF  
8 AMERICANS FOR DEMOCRATIC ACTION; ACCOMPANIED  
9 BY MRS. LYNN PEARLE, LEGISLATIVE REPRESENTATIVE

10 Mr. Rauh. Thank you, Mr. Chairman. I would like to note  
11 for the record that I am accompanied by Mrs. Lynn Pearle, a  
12 Legislative Representative for the Americans for Democratic  
13 Action.

14 Americans for Democratic Action respectfully opposes the  
15 nomination of Otto Otepka to the Subversive Activities Control  
16 Board, because Mr. Otepka, who purports to be a professional in  
17 the field of security evaluation, has demonstrable ties with  
18 extremists and has shown himself to be either too insensitive  
19 to discover those ties or too disingenuous to admit them.

20 I submit that he deceived this subcommittee two years ago  
21 when he was nominated for the remainder of a term on the Board  
22 and that the public has the right to get honest answers to ques-  
23 tions unanswered or left dangling at that time.

24 I am not raising at this time Mr. Otepka's long dispute  
25 with the State Department for demoting him. President Nixon's

1 Secretary of State, who served as Attorney General in the  
2 Eisenhower Administration, refused to reinstate Mr. Otepka and  
3 I assume that we are not now concerned with that issue.

4 Nor am I raising at this time the work of or need for the  
5 Board itself; that is another issue for another time -- and  
6 hopefully the Board can soon find its well-deserved terminal  
7 rest.

8 In that connection, Mr. Chairman, I note that the old S. 12  
9 has now been broken down into six bills, S. 1499, S. 1500,  
10 1501, 1502, 1503, and 1504, and that there is a drive on to do  
11 something about those bills in another subcommittee of the  
12 Senate Judiciary Committee. Those bills, hopefully, will receive  
13 the same fate that S. 12 did. The connection between this  
14 hearing and those bills is that those bills provided for a  
15 personnel security czar and make it possible for that czar to  
16 be a member of the Subversive Activities Control Board, thus  
17 making it possible for Mr. Otepka, if those bills should be  
18 enacted, to become the personnel security czar of the Federal  
19 Government. Such a fate, we submit, should not be allowed to  
20 the millions of decent citizens who are now employees of the  
21 Federal Government.

22 So we put aside, Mr. Chairman, both the question of Mr.  
23 Otepka's dispute with the State Department and the future fate  
24 of the Subversive Activities Control Board. What we are faced  
25 with now is the reappointment of Mr. Otepka to a job roughly

1 double in salary and affecting the entire public interest --  
2 not just the interest of the State Department.

3 In 1969, when several members of the Judiciary Committee  
4 asked that some question be put to Mr. Otepka, the Chairman  
5 assigned his staff to get answers. The staff reported quickly  
6 and favorably to thenominee, but I respectfully submit that it  
7 did not get straightforward replies and glossed over the true  
8 situation which even news reporters had found.

9 First, let's review Mr. Otepka's connection with the  
10 Liberty Lobby and Willis A. Carto, its founder, treasurer and  
11 operator. Without questioning this organization's right to  
12 support Mr. Otepka or anyone else, the issue was raised about  
13 the extent to which Mr. Otepka might have solicited that  
14 support or been in agreement with that organization.

15 The staff replied on May 9 -- just four days after the ques-  
16 tions were formulated:

17 "Mr. Otepka states he does not have and has not had any  
18 formal or informal connections with the John Birch Society, or  
19 the Liberty Lobby, or Mr. Willis Carto, or with any other per-  
20 sons or organizations known to him to be actively associated  
21 with any of the above three. Mr. Otepka has met Mr. Carto,  
22 having seen him two or three times, including one occasion on  
23 which he lunched with Mr. Carto at the latter's invitation.  
24 Nothing was discussed at this luncheon except the legal aspects  
25 of Mr. Otepka's case."

1           There is much deception in this paragraph. Mr. Otepka  
2 admits seeing Mr. Carto "two or three times, including one  
3 occasion on which he lunched with Mr. Carto at the latter's  
4 invitation." I submit that this amounts to at least an  
5 "informal connection," which Mr. Otepka denies having had. To  
6 add that only "the legal aspects of Mr. Otepka's case" were  
7 discussed increases deception because Mr. Carto is not a lawyer.

8           Mr. Carto is, on the other hand, a notorious propagandist,  
9 right-wing extremist and distributor of racist material. The  
10 headquarters of his operation is only a few blocks from this  
11 building, and it is inconceivable that a man of Mr. Otepka's  
12 sophistication did not know enough about that operation or learn  
13 it quickly enough to reject it.

14           In fact, however, among Carto's productions was a film  
15 produced specifically to support and defend Mr. Otepka, a  
16 project not likely to be undertaken without the principal's  
17 knowledge or assent.

18           Much has been written about the Libert Lobby and Mr.  
19 Carto in the past 10 years, but the most inclusive article  
20 appeared last Sunday in the Washington Post, starting on page 1,  
21 in case the Subcommittee would like to be further informed as  
22 to why we are concerned about this organization of race supremi-  
23 cists.

24           Mr. Otepka not only failed to reject a significant connec-  
25 tion with Liberty Lobby but actually praised the organization.

1 According to one reporter, Joseph Trento, of World Wide  
2 Features, Inc., Mr. Otepka told him during a May 15, 1969,  
3 interview that "Liberty Lobby is a respectable organization --  
4 patriotic . . . Willis Carto is no Nazi, he believes in the fine  
5 traditions of American life -- and to me that is what is  
6 important."

7 I am suggesting that Mr. Otepka should be asked about the  
8 Liberty Lobby in the same way that he might interrogate anyone  
9 else in the line of duty as a security officer. I am also sug-  
10 gesting that his admissions to date, sketchy as they have been,  
11 make out a prima facie case for disqualifying him to serve in  
12 the sensitive position of passing on others.

13 Secondly, let's review Mr. Otepka's relationship with the  
14 John Birch Society, another big organization in the radical  
15 right.

16 The staff memorandum reported that Mr. Otepka stated "he  
17 does not have and has not had any formal or informal connection"  
18 with that group -- another statement belied by the facts.

19 Item: Mr. Otepka attended the New England Rally for God,  
20 Family and Country at Boston in July, 1968, and was introduced  
21 to great applause. This is an annual gathering of Birchers,  
22 planned by leading Birch Society members and featuring top  
23 Birchers. The year before Mr. Otepka was there, a representa-  
24 tive of Liberty Lobby unveiled its film in his support.

25 Item: During the period of his defense against State



1 Department charges, Mr. Otepka stayed with Julius Butler, a  
2 Birch Society chapter leader in suburban Chicago, whenever he  
3 was in the area. Mr. Butler has been a sponsor of several New  
4 England rallies, and Mr. Otepka spoke to groups at his home  
5 several times.

6 Item: Mr. Otepka was scheduled to attend the September 21,  
7 1968, convention at Chicago of We, The People!, a radical-right  
8 organization which preceded the John Birch Society and has  
9 included people who became leaders of the latter. In fact,  
10 Robert Welch, founder of the John Birch Society, was one of the  
11 speakers, along with Dr. Billy James Hargis, a Bircher and head  
12 of Christian Crusade, and Col. Curtis Dall, nominal Chairman  
13 of Carto's Liberty Lobby. After accepting the invitation, Mr.  
14 Otepka sent a letter of regret that his attorney had advised  
15 against the appearance during his appeal.

16 Item: The letter of regret was read to the convention by  
17 James Stewart, operator of the American Defense Fund, the  
18 principal raiser of money for Mr. Otepka's defense. More  
19 important, Mr. Stewart is significantly connected to the John  
20 Birch Society and similar groups.

21 For example, Mr. Stewart was a speaker at the 1965 New  
22 England Rally for God, Family and Country. In 1968 -- the year  
23 Mr. Otepka attended the rally -- Mr. Stewart put on an exhibit  
24 for the American Defense Fund and distributed a pamphlet "in  
25 behalf of Mr. Otto F. Otepka." (Mr. Otepka had formally

1 acknowledged and thanked Mr. Stewart for his help as early as  
2 1965.)

3 Mr. Stewart's support of the Birch Society was displayed to  
4 members of the Senate in a tabloid he mailed them in 1969 for  
5 the American Defense Fund in which he urged readers to subscribe  
6 to six right-wing publications, including American Opinion, the  
7 monthly of the John Birch Society; Christian Crusade, published  
8 by Dr. Billy James Hargis; and Herald of Freedom, published by  
9 Frank A. Capell, one of those indicted in 1965 for criminal  
10 libel against former Senator Thomas Kuchel. Capell's notorious  
11 smear operations also include a booklet which amounts to a  
12 hatchet job on another former Senator and one incumbent. He now  
13 writes quite regularly for the Birch Society.

14 More recently, Mr. Stewart has distributed handbills in a  
15 Glenview, Illinois, dispute which praises a vicious smear  
16 program called "Let Freedom Ring." It is run by a Bircher and  
17 was started several years ago with Birch help to distribute hate  
18 messages by recordings on a telephone network. I might inject  
19 here that at least up until recent times, you could dial that  
20 number and hear the most violent attacks upon responsible,  
21 moderate Americans. Here is a sentence from Mr. Stewart's flyer:

22 "Let Freedom Ring" speaks out in behalf of the nation and  
23 names the enemies of our system who live amongst us."

24 There are many other questions left unanswered by the staff  
25 memorandum of May 9, 1969. For instance, it mentions a number

1 of trips made by Mr. Otepka to the West Coast, but it does not  
2 mention who sponsored them or what their purpose was.

3 It states that the American Defense Fund has reported  
4 adequately to the State of Illinois but offers no hint of what  
5 the report contains or, indeed, whether the staff even looked  
6 at it.

7 If this Subcommittee wishes to get hard answers to many  
8 of these very disturbing things, I suggest that a good place  
9 to start would be a close reading of an excellent news article  
10 by Robert Walters which appeared in the Washington Evening Star  
11 on May 13, 1969, and is attached to this statement. It makes  
12 clear both Mr. Otepka's activities in the radical right and  
13 the deception which has surrounded them. Also attached is my  
14 letter of May 17, 1969, on the same subject.

15 I would ask that the two attachments to the statement be  
16 included at this point, Mr. Chairman.

17 Senator Hruska. Without objection, it is so ordered.

18 (The attachments referred to follow:)  
19  
20  
21  
22  
23  
24  
25

# Senate Unit Okays Otepka Mid Debate on Birch Links

By ROBERT WALTERS  
The Staff Writer

The staff of the Senate Judiciary Committee has reported that the two organizations which provided most of the financial aid for Otto F. Otepka's four-year legal battle with the State Department had "no connection of any kind" with the John Birch Society or other right-wing groups.

But an independent investigation of the leadership and activities of the two Illinois-based organizations which contributed more than \$25,000 to Otepka's legal fund shows that both have clearly defined ties with numerous extremist groups, including the Birch Society.

Both reports came prior to today's meeting of the Senate committee, and executive session in which President Nixon's nomination of Otepka to fill a vacancy on the Subversive Activities Control Board was approved by a vote of 16-4.

Otepka, who will receive \$35,000 annually if confirmed by the full Senate, attended the meeting and was critically questioned by Sen. Edward M. Kennedy, D-Mass., one of the three dissenting committee members. The other two were Senators Philip A. Hart, D-Mich., and Joseph D. Tydings, D-Md.

Dismissed in '63

Following the closed meeting, Kennedy said he would oppose Otepka's nomination when it comes up on the floor "because I don't think there is room on the SACB for somebody whose basis of strength is the support of the John Birch Society and the Liberty Lobby."

Otepka was dismissed in 1963 from his post as the State Department's chief security evaluator because he passed classi-

fied information on supposed security risks to the Internal Security subcommittee of the Judiciary Committee. After lengthy hearings, he was reinstated but demoted to a lesser position at State. Otepka's confirmation hearing for the new job was conducted last month by a Judiciary subcommittee composed of three of the committee's most conservative members — Senators James O. Eastland, D-Miss., John L. McClellan, D-Ark., and Roman L. Hruska, R-Neb.

The formal committee vote on the nomination was delayed last week because of questions raised about Otepka's finances by four of the committee's most liberal members — Democratic Senators Kennedy, Hart, Tydings and Quentin M. Burdick of North Dakota.

In a May 5 letter to Eastland, chairman of the full committee, the four Democrats asked for "an independent inquiry if necessary" to ascertain Otepka's connection with the Birch Society; the Liberty Lobby, a Wash-

ington-based conservative organization; and Willis Carto, a Liberty Lobby founder.

In a report filed with the committee, Otepka said he was "acutely aware of the potential dangers" posed "by totalitarian organizations or individuals of either the right or left."

"I would resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any form of totalitarianism," he said.

In response to the Democrats' request, Eastland yesterday released a memorandum from J. G. Sourwine, the committee's chief counsel, which said "total legal expense incurred in connection with Otepka's case has amounted to \$36,133, of which \$25,127 represented legal fees."

The remaining \$11,006 represented reimbursement to Otepka's attorney, Roger Robb, for cash disbursed during the litigation. All of the legal expenses "have been met by voluntary

See OTEPKA, Page A-4

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Continued From Page A-1  
contributions from more than 3,000 different contributors," Sourwine's memo said.

Most of the money—more than \$21,000—was raised by the American Defense Fund, organized in 1964 by James M. Stewart of Palatine, Ill., a Chicago suburb. During the first 18 months of the fund's existence, Stewart was an employee of the Flick-Rosdy Corp., a Chicago area manufacturing firm.

"American Defense Fund has no connection of any kind with the John Birch Society, the Liberty Lobby or Willis Carto, according to Stewart," Sourwine's staff memo said. "Stewart said he acted as an individual and without any assistance or prompting from any organization."

#### Listed as Director

However, just prior to the Judiciary Committee's hearing on Otepka's nomination last month, all members of Congress received a copy of a tabloid newspaper, "The New American," the official publication of the American Defense Fund, which lists Stewart as its director.

The newspaper's principal headline read, "Otepka Vindicated," and virtually all of its 20 pages was composed of reprints and original articles on the Otepka case. On its next to last page, the paper urged readers to subscribe to six right-wing publications. Among them:

- American Opinion, the official monthly magazine of the John Birch Society, but not so identified in Stewart's newspaper.

- Christian Crusade, published by the Rev. Billy James Hargis, a right-wing radio evangelist.

- Herakl of Freedom, a bi-monthly publication printed by Frank A. Cappell, who was indicted in 1965 for criminal libel against former Sen. Thomas Kuchel, R-Calif., and who is the author of "The Strange Death of Marilyn Monroe," a book based on insinuations that the late movie star was murdered by the Kennedy family for indiscretions with them.

- Tactics, published by Edward Hunter, an Arlington, Va., writer and lecturer who has written articles for the Birch Society's American Opinion, Hargis' Weekly Crusader and other right-wing periodicals. Hunter also has been listed as an available speaker by the Birch Society's American Opinion Speakers Bureau.

Hunter also is the author of an article in Stewart's "The New American," titled "Otepka vs. the Glanted Press."

Stewart himself was a speaker at the 1965 New England Rally for God, Family and Country, an annual summer event organized by Birch Society leaders in the Boston area. The rally chairman each year is Col. Laurence E. Bunker, a member of the Birch Society's National Council.

Stewart's newspaper also includes a reprint of an article from a suburban Chicago newspaper which quotes him as saying he raised \$27,000 on Otepka's behalf—rather than the "over \$21,000" Sourwine reported to the Judiciary Committee.

The Senate staff memo said the remaining \$4,000 to \$5,000 donated toward Otepka's legal defense "was paid by voluntary contributions from individuals not associated with the American Defense Fund" and that "only one was a very large amount."

That donation was a \$2,500 check paid to Robb on April 21, 1964, by the Defenders of American Liberties, an organization headed by Dr. Robert Morris until 1962. Its president since that time has been J. Fred Schlaflly, of Alton, Ill.

#### Connections Denied

Sourwine said both men were questioned and both "denied any personal connection, formal or informal, with the John Birch Society, the Liberty Lobby or Willis Carto."

However, Los Angeles newspapers reported that Morris addressed 700 members of the Birch Society in that city on Jan. 12, 1961. Currently president of the University of Plano in Texas, Morris served for four years as counsel to the Judiciary Committee's Internal Security subcommittee, the unit to which Otepka gave the classified State Department documents.

Schlaflly's wife, Phyllis, was the author of "A Choice Not an Echo," a widely circulated book supporting Sen. Barry M. Goldwater, R-Ariz., during his 1964 campaign for the presidential nomination.

In addition, Schlaflly—along with Otepka and such well-known right-wing leaders as Clarence Manion, Dan Smoot and Gen. Edwin A. Walker—appeared at last year's New England Rally for God, Family and Country.

Mrs. Harold N. McKinney, a Birch Society chapter leader who was the rally's executive secretary, has been quoted as saying Otepka attended the four-day meeting.

Sourwine said one of the 14 directors of the Defenders of American Liberties, Dr. Clarence Manion, former dean of the University of Notre Dame Law School, "is reported to have stated he is a member of the John Birch Society."

The staff memo listed the remaining directors, then said that, according to Morris and Schlaflly, none of the others "is known to either of them as a member of or connected with the John Birch Society or the Liberty Lobby."

But at least two of the remaining directors do have ties to the Birch Society, while at least three others are connected with other right-wing groups.

One director, Lyle Munson, a Linden, N.J., publisher, was described by Robert Welch, founder of the Birch Society, in his 1962 "Blue Book" as "my good friend" who was cooperating with the Birch Society in reprinting and circulating its material.

Another director, William Wilbur, served from 1962 to 1964 on the editorial advisory committee of American Opinion, the Birch Society's official monthly publication.

Among the original incorporators of the Defenders of American Liberties was Julius Butler, a Birch Society chapter leader in Oak Brook, Ill., who has been quoted as saying Otepka had spoken to groups of 15 to 40 persons at Butler's home approximately four or five times during the last several years.

Another incorporator was Frank Flick, head of the Flick-Rosdy Corp., of Bensenville, Ill., where Stewart served as assistant director of the "educational" program before quitting to work full time on the Otepka fund-raising effort.

Flick's organization has cooperated with Birch Society leaders in their political efforts, and Otepka once addressed a political rally of more than 700 persons in the firm's auditorium.

## AMERICANS FOR DEMOCRATIC ACTION

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May 17, 1969

Dear Senator:

In a few days, you will be called upon to vote on a crucial issue which you have probably not had much time to study. It will be a motion to confirm the nomination of Otto F. Otepka as a member of the Subversive Activities Control Board.

The motion will appear doubly harmless because the SACB has notoriously had little or nothing to do, and President Nixon has seemingly carried out a campaign pledge of "justice" for Otepka by giving him a sinecure.

However, we face a very dangerous situation.

During Otepka's well-advertised "case" with the Department of State, where he was a Security Officer, he actively sought and accepted significant help from the organized right wing of this country, including the radical right end of it, as represented by the John Birch Society and Liberty Lobby.

The procedural aspects of his strange case are no longer at issue; the only issue now is Otepka's fitness to be a judge of other people's qualifications. President Nixon's Secretary of State, William P. Rogers, announced in February that he was upholding the decision of his predecessor, Dean Rusk, in denying Otepka a job in the Department.

I write you now about the fantastic move to escalate this rejected security officer into a \$36,000-a-year position on the Subversive Activities Control Board and to call your attention to a pending bill, S-12, which would authorize the President to give the SACB new and unlimited power over security matters affecting U.S. government employees. Moreover, the President is empowered to name Otepka Chairman of the Board if confirmed as a member of it.

This strategy may sound far-fetched, but it has been made clear by a major sponsor of both Otepka and S-12, Senator Strom Thurmond, who wrote on March 31st:

"Although the previous Administration allowed the SACB to deteriorate, the new Administration has already sent

up a batch of new cases for review. U. S. Attorney General John Mitchell has announced that the cases of hard-core student militants will shortly be sent up for review as well.

"Moreover, the proposed Internal Security Act of 1969 (S-12), now pending in the Senate, would set up a central security agency for all agencies of government, under the control of SACB. If this legislation passes, Mr. Otepka will once again deal with security evaluation, not only for the State Department, but for the whole of government, including the State Department."

If the Senate were to confirm Otepka, it would be adopting a double standard as between extreme right and extreme left. Otepka has accepted funds from members of the John Birch Society, has appeared at meetings run by leaders of the John Birch Society, has been introduced there by the leaders of the John Birch Society and has publicly declared, "I am not going to discuss the ideological orientation of anyone I am associated with." The Senate would not for one moment even consider putting a man in a place of trust and confidence who has accepted funds from members of the Communist Party, has appeared at meetings run by leaders of the Communist Party and then refused to discuss their "ideological orientation." For the Senate now to confirm Otepka without even making any serious effort to get the facts is to adopt a different standard for far right than for far left. The ADA, which has always fought both extremes with equal vigor, urges your help in this struggle by refusing to confirm Mr. Otepka.

I am enclosing a few basic documents which show the danger of confirming this man. I urge you to help stop the move of the far right to put him in a position of potentially great power.

If Otepka's confirmation cannot be stopped, I urge you to send it back to Committee for further hearings on his right-wing activity. The Judiciary Committee staff has been, in effect, a lobby for Otepka. There are many serious questions to put to the man who might well be in charge of investigating all Federal employees. So far, he has answered almost none of them.

Sincerely yours,

Joseph L. Rauh, Jr.  
Vice Chairman  
Americans for Democratic Action

JLR/lhk  
enclosures

1 Senator Hruska. Mr. Counsel, have you any questions?

2 Mr. Holloman. Mr. Rauh, you mentioned this staff memoran-  
3 dum of May 9 a number of times. It should be pointed out for  
4 the record that these same objections were substantially raised  
5 at that time and that on May 13, 1969, Mr. Otepka appeared  
6 personally before an executive session of the full Judiciary  
7 Committee and was interrogated at length with respect to these  
8 same matters, after which his nomination was reported by a vote  
9 of 12 to 3 by the committee.

10 I have no further questions.

11 Mr. Rauh. On that point, Mr. Holloman, it is exactly our  
12 position that the interrogation was totally inadequate, that  
13 the memorandum did not go into the matters that it should have,  
14 and that the Judiciary Committee thereby was derelict, really,  
15 in its duty to get at the facts. Now, hopefully, one of our  
16 purposes here is that you will now do what you did not do then,  
17 which is to go fully into Mr. Otepka's position with respect to  
18 the right wingers.

19 As I say, say if you combine, Mr. Chairman, the idea that  
20 there should be a personnel security czar, who would be Mr.  
21 Otepka, with Mr. Otepka's background, you have a very dangerous  
22 situation for America. We would hope that you would really,  
23 this time, do the investigation of Mr. Otepka that was not done  
24 last time, Mr. Holloman, and the reference to the staff  
25 memorandum is exactly my point. You did not go into it with



1 adequate detail and care and you do not now know the facts  
2 except from newspapers. It seems to me that -- I do not have  
3 any investigative staff and I take it from the newspapers. But  
4 you do, and I would suggest that the same mistakes were made  
5 here that were made by the Judiciary, for example, in the  
6 Carswell matter. We would never have had that disaster if the  
7 Judiciary Committee had investigated Carswell before everybody  
8 went on record in his favor. Then what happens? The whole  
9 country is alerted to a problem. Well, we may have to do the  
10 same thing here.

11 Senator Hruska. Thank you, Mr. Rauh.

12 The acting chairman has no questions. Thank you for your  
13 statement.

14 The next witness is Mrs. Norma Morrison, a member of the  
15 Chicago Committee for Advancing the Democratic Process. A  
16 statement has been duly filed with the committee pursuant to  
17 rules. You may proceed to testify, Mr. Morrison.  
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1 STATEMENT OF MRS. NORMA MORRISON, MEMBER,  
2 CHICAGO COMMITTEE FOR ADVANCING THE  
3 DEMOCRATIC PROCESS

4 Mrs. Morrison. Thank you, Mr. Hruska. I am a member of  
5 the Chicago Committee for Advancing the Democratic Process, but  
6 I am also a housewife in Glenview. For many years, living in  
7 that town, I have been concerned about the undemocratic influ-  
8 ances at work in our society. My first brush with the organized  
9 forces of extremism came in 1960 when I was a member of the  
10 Glenview Village Board of Trustees. Dr. Fred Schwarz conducted  
11 a so-called anti-Communist school at the Glenview Naval Air  
12 Station, a development which contributed to the Fulbright  
13 Memorandum on the use of military facilities for political  
14 propaganda. As one of the early members of the Chicago Committee  
15 for Advancing the Democratic Process, eventually its co-chair-  
16 man and as a member of the Board of Sponsors of the Institute  
17 for American Democracy, I have had ministers, school superin-  
18 tendents and legislators tell me of their frustrating and some-  
19 times frightening brushes with the organized forces of political  
20 extremism. I am concerned because these groups inhibit the  
21 functioning of democracy. My particular concern is Mr. Otepka's  
22 statement that he has "no formal or informal ties to the John  
23 Birch Society." Indeed what bothers me most about Mr. Otepka's  
24 ties to the John Birch Society is the fact that he denies they  
25 exist. It seems to me this is just sweeping dirt under the rug.

1 I know as a housewife or some 32 years that you can't do that  
2 without eventually tripping over it. If he does not tell the  
3 truth about this how can I have any confidence that he will be  
4 truthful about this very important matter of internal security.

5 It has been well established that the \$21,000 given to  
6 Mr. Otepka to pay his legal expenses was from the American  
7 Defense Fund. This was headed by James Stewart, who lives  
8 approximately five miles from my home and is a well-known  
9 supporter of the John Birch Society. One of the participants  
10 in this fund raising effort was Mr. Julius Butler who also lives  
11 a few miles from my home and who is a Birch Chapter leader.  
12 His wife was an incorporator and manager of a large Birch  
13 Society American Opinion library in Elmhurst, Illinois. This  
14 is an important enough Birch facility that Robert Welch person-  
15 ally attended the dedication ceremony.

16 Mr. Butler told New York Times reporter Neil Sheehan, that:  
17 "Mr. Otepka had spoken to groups of 15 to 20 or 30 or 40 people  
18 at Mr. Butler's home four or five times over the last several  
19 years. He comes here whenever he comes to Chicago, Mr. Butler  
20 said. Mr. Butler said that in addition to explaining his dis-  
21 pute with the State Department, Mr. Otepka also talks about  
22 treason in high places in Washington and all the other horrible  
23 things that are taking place. He said Mr. Otepka never  
24 solicited money at any of these gatherings but that Mr. Stewart  
25 might have occasionally mentioned how much the fund had

1 collected for Mr. Otepka up to that date.\*\*

2  
3 \* Quoted from The New York Times, April 4, 1969  
4

5 Mr. Stewart's position with the John Birch Society is  
6 illustrated by the flyer announcing his appearance before the  
7 West Suburban Superintendent's Study Club. It is enclosed as  
8 my Exhibit "A." You will note in it that the speaker is  
9 described as:

10 "Mr. James Stewart of Palantine, Illinois. Mr. Stewart is  
11 chairman of the American Defense Fund. Mr. Stewart is an indi-  
12 vidual in complete sympathy with the John Birch Society and the  
13 topic will be 'The John Birch Society.' Mr. Stewart will enter-  
14 tain questions at the end of this presentation."

15 In other words, Mr. Stewart is a salesman for the Birch  
16 Society, and it would seem to me that since Mr. Stewart is also  
17 chairman of the Fund which paid the bulk of Mr. Otepka's legal  
18 expenses, this of itself would constitute an informal tie.

19 As a further indication of Mr. Stewart's involvement in the  
20 Society's affairs, he is the executive director of a tax-exempt  
21 organization called "Help for Those Without Hope" Committee of  
22 which the president is the Rev. Paul D. Lindstrom. The Rev.  
23 Lindstrom is the pastor of a church in Prospect Heights, Ill.  
24 in which I saw red, white and blue candles on the altar. It was  
25 founded by members of the John Birch Society. The Rev. Lindstrom

1 is the chairman of the Birch-promoted "Remember the Pueblo  
2 Committee." One of the fund appeals from the Stewart-Lindstrom  
3 group is attached as my Exhibit "B."

4 In 1969, at the request of Charles R. Baker of the Insti-  
5 tute for American Democracy, I attended the John Birch Society's  
6 God, Family and Country rally in Boston, Massachusetts. This is  
7 an annual event of which the chairman is Col. Laurence Bunker,  
8 a member of the John Birch Society executive committee, and the  
9 secretary is Mrs. Harold McKinney, Birch chapter leader for the  
10 Boston area.

11 At one session I attended, Col. Curtis Dall, a spokesman  
12 for Liberty Lobby praised Mr. Julius Butler, who was present,  
13 for developing a method to avoid paying his income taxes. More  
14 significant, I saw on a display board a picture of Mr. Otto  
15 Otepka taken, I was told, by the photographer at the 1968 God,  
16 Family and Country Rally. This picture was numbered 101. Since  
17 orders were being taken for these pictures, I attempted to  
18 purchase this one but was told that no print was available. I  
19 made a note on the back of the official order form of my conver-  
20 sation with the photographer. My note to myself reads, "The  
21 negative is destroyed and that Col. Bunker has the only print."  
22 When I asked if I could buy the print that was on the board, I  
23 was told that I couldn't have it because "it might still be  
24 embarrassing."

25 Unfortunately, my former senator, the late Everett Dirksen,

1 did not know that the God, Family and Country Rally is a John  
2 Birch Society event. In a 1969 speech backing Mr. Otepka,  
3 Senator Dirksen misrepresented the character of this annual  
4 affair. In point of fact, it is the big Birch event of the  
5 year. It is actively promoted in the Birch Bulletin, sent  
6 monthly to all Society members. Various other rightwing organi-  
7 zations exhibit their wares at the event. Robert Welch makes  
8 an annual appearance at the closing banquet.

9 The God, Family and Country Rally clearly is the Valhalla  
10 of the Radical Right. Senator Dirksen, in doubting this,  
11 pointed out that Dean Manion also makes a traditional appearance,  
12 but what Senator Dirksen appeared not to know is that Dean  
13 Clarence Manion has for many years been a member of the top  
14 council of the John Birch Society. Testimony developed two  
15 years ago indicates that Dean Manion is also one of the Directors  
16 of the Defenders of American Liberty Fund, which also contributed  
17 to the Otepka legal costs.

18 Of course, the larger amount was supplied by the American  
19 Defense Fund. Accompanying this is a flyer put out by the Pro-  
20 American Forum in which Mr. Stewart is described as the  
21 "founder-director of the American Defense Fund, a much needed  
22 organization which provides continued support for individuals  
23 of the nation finding themselves in conflict with Big Brother  
24 Government." What is significant about Mr. Stewart's appearance  
25 is that the Pro-American Forum has frequently featured speakers

1 of the most racist and para-military character. Among the books  
2 offered for sale by the Pro-American Forum is the neo-fascist  
3 work "Imperium" by Francis Parker Yockey. The introduction is  
4 by Willis Carto of Liberty Lobby. Another is the "Biological  
5 Jew" by Eustis Mislin and a third is "The Untouchables," a book  
6 by Frank A. Cappell, described as a virtual gold mine of infor-  
7 mation regarding "those appointed to some of the highest offices  
8 by Richard Nixon, who had promised to clean out subversives."  
9 Mr. Cappell is a well-known propagandist for the rightwing;  
10 currently Mr. Cappell writes for the John Birch Society "Ameri-  
11 can Opinion" magazine.

12 In "The New American," the tabloid which Mr. Stewart sent  
13 to Congress to promote the Otepka case in 1969, Mr. Stewart  
14 recommended on page 17 that individuals subscribe to Mr. Frank  
15 Cappell's own bi-monthly "The Herald of Freedom." On the same  
16 page there was an interview with the Rev. Paul Lindstrom, of  
17 whom I spoke previously. On page 7 there is a reference to the  
18 fact that Mrs. Stewart and the children were given a tour of  
19 Washington by Mr. Otepka when they were here, which indicates a  
20 close relationship. It contains a picture of Mr. Otepka speak-  
21 ing at a Birch event with Birch Chapter leader Julius Butler at  
22 his right and James Stewart at his left. In short, Mr. Otepka  
23 was photographically surrounded by Birchers.

24 Mr. Stewart is currently involved in a controversy in the  
25 Chicago area in which he is defending "Let Freedom Ring." This

1 is the Birch Society's so-called "Dial-A-Smear" telephone  
2 program in which the character of individuals and organizations  
3 of great probity is besmirched. In the name of a bogus "anti-  
4 Communism," the attack is essentially on those who seek solu-  
5 tions to the anguishing social problems of our times. Let  
6 Freedom Ring is essentially a medium of intimidation and  
7 character assassination. It appears to me that Mr. Stewart  
8 wants to turn the Subversive Activities Control Board into a  
9 somewhat similar instrumentality, and my fear is that Mr.  
10 Otepka in openly accepting the support of Mr. Stewart and the  
11 ideology he represents, might just accommodate him.

12 (Exhibits referred to follow:)

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1 Senator Hruska. Mr. Counsel, do you have any questions?

2 Mr. Holloman. No, sir.

3 Senator Hruska. The Chairman has no questions.

4 Thank you very much, Mrs. Morrison, for coming.

5 The final witness will be Mr. Charles R. Baker, the Execu-  
6 tive Director of the Institute for American Democracy.

7 Mr. Baker, the record will show that your statement was  
8 timely filed. Mr. Baker, you may proceed.

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STATEMENT OF CHARLES R. BAKER, EXECUTIVE  
DIRECTOR, INSTITUTE FOR AMERICAN DEMOCRACY

Mr. Baker. Thank you, Mr. Chairman.

We had anticipated a somewhat larger array of witnesses. Last fall, Harry Ashmore, head of the Center for the Study of Democratic Institutions; Mr. Harold Willens, Chairman of the businessmen's Educational Fund and Dr. Kenneth G. Neigh, chairman of the Institute for American Democracy, were among those indicating to this committee their desire to be heard on the matter before you now. I would like the record to show that Dr. Franklin H. Lyttel, who is Professor of Religion at the Temple, had also expressed a desire to appear last fall and called me last night and asked that I indicate that he could not appear here today because of a schedule difficulty.

As it has developed, we did not learn of this matter until last Friday when we got word that the hearing notice was in the Federal Register. IAD's chairman, Dr. Kenneth G. Neigh, a vice president of the National Council of Churches could not be here today because of a schedule conflict. He is also General Secretary of the Board of Missions of the United Presbyterian Church which by chance is holding its annual meeting.

Since there has been no time to clear these remarks with our Institute's Board of Policy, necessarily the opinions will be my own. While I will attempt to incorporate some matters which I rather suspect Mr. Willens and Mr. Ashmore were going

1 to touch upon, I will not presume to speak for them. IAD's  
2 stake is simply that of a friend of the democratic process. We  
3 seek to provide factual information and insight on matters which  
4 sometime impair its functioning.

5 In last Sunday's Washington Post, IAD was summarized as one  
6 of three national watchdogs of the right.

7 Actually, our view on extremism parallels that of J. Edgar  
8 Hoover when he told the Warren Commission, "I think the extreme  
9 right is just as much a danger to this country as the extreme  
10 left."

11 Mr. Hoover went on, "There are groups, organizations and  
12 individuals on the extreme right who makes these very violent  
13 statements, allegations that General Eisenhower was a Communist,  
14 disparaging references to the Chief Justice and at the other  
15 end of the spectrum you have these leftists who make wild state-  
16 ments charging almost everybody with being a fascist or belong-  
17 ing to one of these so-called extreme right societies. Now, I  
18 have felt, and I have said publicly in speeches, that they are  
19 just as much a danger, at either end of the spectrum." <sup>1/</sup>

20 The chief promoter of the "allegation that General Eisen-  
21 hower was a Communist" is the John Birch Society. It is hardly  
22 any secret that the Birch Society and Liberty Lobby were among  
23 those making "disparaging references to the Chief Justice," --  
24 the Impeach Earl Warren campaign. Apparently it is stipulated  
25 that Mr. Ostepka has accepted financial support from persons

1 associated with both of these organizations. <sup>2/</sup> What needs to  
2 be determined is the extent to which he has accepted or shared  
3 their ideology as well.

4 It is a fundamental tennet of Robert Welch, the founder of  
5 the Birch Society, that "bi-partisan treason" is "rampant"  
6 within all recent administrations. <sup>3/</sup> Ironically, one of the  
7 chief supporters of Mr. Otepka, Mr. Welch, pictures President  
8 Nixon as the prisoner of "the Communist influences which  
9 surround him." <sup>4/</sup> An anomaly of the current situation is that  
10 Mr. Otepka is being advanced for membership on the Board to  
11 combat "subversion" by those who with their constant cries of  
12 "treason" and "traitor" preach distrust of the central govern-  
13 ment.

14 It seems to me that at a minimum a man qualified to seek  
15 subversion, while concerned with the threat from the left, cannot  
16 be blind to the threat from the right. For the past two years  
17 we have been attempting to stimulate a thorough, public cross-  
18 examination of Mr. Otepka as the best way of determining the  
19 extent to which he has been influenced by the American rightwing,  
20 to determine his present beliefs about what constitutes subver-  
21 sion and to learn what he wants to do to combat it in his new  
22 post.

23 While Mr. Otepka has been largely shielded from such  
24 inquiry, the glimpse of his views we have on record indicates a  
25 cause for concern. My testimony will seek to establish these

1 four major premises:

2 1. There is serious doubt that Mr. Otepka possesses the  
3 judicial temperament required as a safeguard against the Sub-  
4 versive Activities Control Board's becoming an instrument of  
5 repression.

6 2. Since the Senate Internal Security Subcommittee staff  
7 had a partisan position in defense of Mr. Otepka in the matters  
8 which led to his reduction in grade at the Department of State,  
9 it should not now be asked to make the definitive judgment on  
10 his present capacities.

11 3. Despite Mr. Otepka's many opportunities to disassoci-  
12 ate himself from the ideology of the John Birch Society and  
13 Liberty Lobby, he has declined doing so, and thus confirming him  
14 would lend credibility to their credoes.

15 4. There is reason to believe that Mr. Otepka, like some  
16 of his supporters, sees the SACS post as a weapon to be used  
17 against the U. S. Department of State, liberal Senators and  
18 Congressmen and others whose value judgments are diametrically  
19 opposed to those of the military hardliners.

20 First as to temperament. With the change of Administration,  
21 incoming Secretary of State William M. Rogers decided against  
22 reinstating Mr. Otepka in his old post indicating that he had  
23 "carefully reviewed" the case and found that it was "fully liti-  
24 gated within the government." "

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1 \* Washington Post 2/23/69

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3 The point here is to raise the question as to whether Mr.  
4 Otepka's long, no doubt lonely and sometimes bitter fight for  
5 vindication, has left him a vindictive man.

6 We can have considerable sympathy with the individual for  
7 the job of a security evaluator involved in sitting in judgment  
8 of his fellow man is harsh and demanding. In view of the exist-  
9 ence of the Senate-12 proposal, now broken up into other parts,  
10 which would enormously expand the SACB's role, it has become  
11 particularly important that we know a great deal about the  
12 proclivities of the individuals who may be handling these pro-  
13 posed functions.

14 If I may digress briefly, civil libertarians generally  
15 rejoiced when the U. S. Supreme Court agreed that the SACB had  
16 exceeded its limitations when it began inquiring into the  
17 political beliefs of individuals suspected of being Communists.  
18 Attorney General Mitchell handed it the obvious difficult job  
19 of determining whether the Center for Marxist Education and the  
20 Young Workers Liberation League, both at the same address, were  
21 "Communist action groups." Since FBI Director, J. Edgar Hoover,  
22 had already indicated this to be the fact of the matter, we have  
23 the spectacle of an SACB seeming to exist as a check on the  
24 veracity of J. Edgar Hoover.

25 It seems to me this is so much make-work for the SACB's

1 often idle hands pending the development of new functions.

2 We believe Mr. Otepka will have no difficulty in telling  
3 us what he wants the SACS to accomplish.

4 In a letter to me dated April 26, 1971, which I have  
5 included with this statement as my Exhibit A, Mr. Otepka  
6 assured me that, "As an informed and concerned American I  
7 intend to perform the duties incumbent upon me in the character  
8 of what I know to be good or evil."

9 We can gain some insights into Mr. Otepka's definitions of  
10 "good and evil" from his earlier letters to me and from his  
11 authorized biography, "The Ordeal of Otto Otepka," by William  
12 J. Gill. There can be no doubt that this is Mr. Otepka's  
13 version of the truth for he has referred to it in several  
14 letters to me. According to his authorized version of truth,  
15 two of his major accomplishments while at the State Department  
16 were denying security clearance to Walt Rostow and to former  
17 Assistant Secretary of State Archibald MacLeish.

18 According to Mr. Otepka's truths, the public was somehow  
19 protected because he kept Mr. MacLeish, winner of three Pulitzer  
20 Prizes, from being confirmed to the State Department's Advisory  
21 Committee on the Arts, apparently because Mr. MacLeish found  
22 the required loyalty oath an affront. <sup>6/</sup>

23 As to Dr. Rostow, Gill writes, "Actually, it was not  
24 necessary to be privy to Rostow's security file, as Otepka was,  
25 to share his apprehension. Nor is it necessary even now to

1 question Mr. Rostow's loyalty in order to still wonder why any  
2 prudent President would elevate him to such a high position of  
3 influence and trust. His writings, alone, and they were volumi-  
4 nous prior to 1961, should automatically have eliminated him  
5 from the councils of any American government intent on maintain-  
6 ing its sovereignty." <sup>7/</sup>

7 Chapter IX of this book starts out, "A year before Walt W.  
8 Rostow was first refused a security clearance on Otto Otepka's  
9 recommendation, the ubiquitous czar of Cambridge (Rostow) played  
10 a key role in the partition of Vietnam."

11 The evaluation of Dr. Rostow as a security risk by one  
12 normally associated with the Hawks may startle Senate Doves. In  
13 reading Mr. Otepka's biography, however, one gets the impression  
14 the real security risks were the Kennedy New Frontiersmen.

15 Chapter V winds up, "The annealing process was complete.  
16 John F. Kennedy, by attempting to infiltrate the Left, had, like  
17 Franklin Roosevelt before him, taken on the Left's coating and  
18 coloration. Bobby, worshipping his older brother, had immersed  
19 his soul in the same intellectual caldron."

20 "Again, like FDR, both Jack and Bobby probably were confi-  
21 dent they could control the more outré elements in their new  
22 misalliance. 'We are a young group and we're going to take over  
23 America,' Bobby announced to a state caucus at the Los Angeles  
24 convention."

25 "But, as Otto Otepka could have told him, no American takes



1 over the Left."

2 Now, who are the members of this "misalliance?" The names  
3 mentioned in this section were, "Sorenson, Schlesinger,  
4 Galbraith, Seymour Harris and McGeorge Bundy," and "Abram Chayes,  
5 Archibald Cox, Richard Goodwin, Paul Freund, Marc DeWolfe Howe,  
6 Max Millikan, and Walt W. Rostow."<sup>8/</sup>

7 Are these the men Mr. Otepka had in mind when he penned in  
8 the flyleaf of the copy of his biography which he sent me, "The  
9 Truth will prevail."

10 Perhaps some of these men did counsel that he be dropped  
11 from the State Department. No doubt the handling of the Otepka  
12 case was inept and likely to produce bitterness, but in the name  
13 of righting a possible injustice to Mr. Otepka, we should not do  
14 an injustice to the nation.

15 Does Mr. Otepka still think Dr. Rostow a security risk? If  
16 he does not, how can he justify sending out this biography with  
17 his comments on the SACB stationery? What about his counterpart  
18 in the present administration, Dr. Henry Kissinger?

19 In sending out his biography, Mr. Otepka has opened up this  
20 area of inquiry. We are entitled to answers.

21 Certainly the Birch Society and Liberty Lobby would have us  
22 believe that Dr. Kissinger is a part of the ever-handy  
23 "Communist Conspiracy."

24 And what about the New York Times? Earlier this year, Mr.  
25 Otepka filed suit seeking \$4 million damages as a result of an

1 incidental reference to him in an article by Robert Sherrill  
2 who was writing about Senator Bayh.

3 Otepka called the article part of a "malicious program"  
4 against him and said he had been sworn to uphold "policies,  
5 rules, regulations and laws which . . . went contrary to the  
6 editorial policy of the New York Times." (Exhibit D). I have  
7 enclosed a clipping of the press report of this.

8 Is it the policy of this Administration to have appointees  
9 to \$36,000-a-year posts filing \$4 million libel suits against  
10 America's most influential paper? It seems to me when an SACS  
11 member takes such an action that this in itself it is an act of  
12 intimidation.

13 Is it the policy of this Administration to label those  
14 raising questions about its appointees as "un-American?" Mr.  
15 Otepka applied this term to my efforts in one of his letters to  
16 me.

17 His concern with "truth" seems restricted to that set forth  
18 in "The Ordeal of Otto Otepka."

19 On April 22, 1970, in a letter I have enclosed as an  
20 exhibit, I received a letter from Mr. Otepka saying he was  
21 sending me this book and calling William J. Gill, "a prize-  
22 winning reporter who adhered to journalistic ethics by carefully  
23 researching and authoritatively documenting his written accounts,  
24 as I do" (referring to himself). Letter attached as Exhibit B.

25 The fact that Mr. Gill is a staff member of the American

1 Security Council is not mentioned in the letter and unreported  
2 in the book.

3 Mr. Otepka apparently was responding to IAD "Homefront"  
4 studies of his ties to the Far Right, published in May, 1969  
5 and April, 1970 (attached as Exhibits E and F). Mr. Otepka  
6 called our early "Homefront" report "pure trash." On April 29,  
7 1970, I wrote Mr. Otepka (Exhibit G), "I can assure you it is  
8 not our intention to be inaccurate in any way, and if there was  
9 a specific error, we will be glad to correct it."

10 On May 11, 1970, I received another letter from Mr. Otepka  
11 (Exhibit C) in which he declined to point out any specific error  
12 in our report. He noted that he has refused my invitation "to  
13 either applaud or disassociate myself from the philosophical  
14 position of the John Birch Society and Liberty Lobby" and said,  
15 "I have already provided precise statements to the United States  
16 Internal Security Subcommittee that I never had a formal or  
17 informal connection with the John Birch Society or Liberty  
18 Lobby."

19 In this May 11th letter, Mr. Otepka said, "In connection  
20 with the false allegations about me that were published over  
21 your name in the May, 1969, and April, 1970 issues of "Homefront,"  
22 I enclose a copy of pages 451-459, inclusive, of "The Ordeal of  
23 Otto Otepka."

24 I have read these pages. They are enclosed as Exhibit H.  
25 I fail to see where they contain a refutation of the "Homefront"

1 reports let alone any careful researching and authoritative  
2 documentation which would establish that they were "pure trash."

3 Indeed, we had carried the substance of Mr. Otepka's posi-  
4 tion in our May, 1969 "Homefront." The offer to Mr. Otepka  
5 still stands. We are not trying to make hasty judgments, but to  
6 help build the record on which reasoned judgments can be made.

7 I covered much the same territory in two 5-minute radio  
8 programs on the "In The Public Interest" series. <sup>9/</sup> The scripts  
9 were furnished to Mr. Otepka in advance, and he was invited to  
10 appear on the same series with any comments he might choose to  
11 air. He declined doing so and sent a letter to me (Exhibit A)  
12 calling my efforts "un-American." When a man in Mr. Otepka's  
13 position hurls epithets like "un-American," I think one can get  
14 the impression that he is attempting to intimidate the recipient.  
15 What bothers me is the possibility that Mr. Otepka really does  
16 think inquiry of this sort is "un-American."

17 This brings us to the second point. In 1969, 35 Senators  
18 voted to send Mr. Otepka's nomination back to the Senate Judici-  
19 ary Committee for additional study. In approving Mr. Otepka's  
20 nomination to the unexpired SACH term, the Senate relied on a  
21 staff memorandum from Julian G. Sourwine, the veteran chief  
22 counsel of the Senate Internal Security Subcommittee.

23 According to "The Ordeal of Otto Otepka," the "man who  
24 talked Otepka out of quitting was Jay Sourwine. In the final  
25 analysis, the State Department's whole case against Otepka was

1 to rest on the relationship between Otepka and this veteran  
2 Chief Counsel of the Senate Internal Security Subcommittee." 10

3 On May 5, 1969, Senators Kennedy, Burdick, Tydings and  
4 Hart sent a memo to Senator Eastland asking several specific  
5 questions about Mr. Otepka. It asked that the Subcommittee  
6 Staff "obtain from Mr. Otepka and from independent inquiry if  
7 necessary, the facts on (43) any formal or informal connections  
8 between Mr. Otepka and (1) Mr. Willis Carto; (2) the John Birch  
9 Society; (3) the Liberty Lobby, or (4) any other persons or  
10 organizations actively associated with Mr. Carto, the Society,  
11 or the Lobby."

12 In a memo dated May 9, 1969, Mr. Sourwine answered:

13 "Mr. Otepka states he does not have and has not had any  
14 formal or informal connections with the John Birch Society, or  
15 the Liberty Lobby, or Mr. Willis Carto, or with any other per-  
16 sons or organizations known to him to be actively associated  
17 with any of the above three."

18 Suppose that Mr. Otepka were considering the plight of a  
19 person deprived of his job because of an earlier SACB finding.

20 Let us say this person had received approximately \$21,000  
21 from the known leaders of the Communist Party-USA.

22 Let us say that he attended the annual meeting of the  
23 Communist Party-USA as an honored guest and was photographed  
24 there.

25 Let us suppose that the Nazis made a color movie in

1 which the man was given hero status, and that this was shown  
2 all over the country with the subject's blessings.

3 If you take away the word "Communist" and put in Birch  
4 Society; and take away "Maoist" and put in Liberty Lobby, you  
5 have the relationships which Mr. Otepka and Mr. Sourwine would  
6 have the Senate believe could not constitute even an "informal  
7 tie."

8 It seems to me that Mr. Otepka and Mr. Sourwine are apply-  
9 ing a different set of standards to this case than they would  
10 to one coming before the board to which Mr. Otepka seeks confir-  
11 mation.

12 If the past examination was something less than rigorous,  
13 I am not convinced the present one is all that might be desired.  
14 On Monday morning, I received a telegram from Senator Eastland  
15 indicating that my written testimony had to be in the Committee's  
16 hands by 11:30 a.m. on Tuesday, and while I have met this dead-  
17 line, I would certainly have liked more time to produce and also  
18 to abridge this testimony.

19 This gets to my third point. Mr. Otepka has rejected the  
20 many opportunities to disassociate himself from the Far Right  
21 philosophy. We have offered him the opportunity to do so in our  
22 newsletter and on the IPX radio program. He has been queried by  
23 the press. In the letter I received from Mr. Otepka on May 11,  
24 1970, he said "It is obvious to me that from your method of  
25 operation you will be forced to invent 20 more lies to maintain

1 those you've already written." (And parenthetically I'm not  
2 aware of having written any) and then he concluded, "If you have  
3 evidence regarding the John Birch Society and Liberty Lobby  
4 which you believe merits their designation by government author-  
5 ity according to some dominant characteristics, I suggest that  
6 you refer them to the appropriate government agency for investi-  
7 gation and authoritative determination."

8 I think we have a right to know how Mr. Otepka views Mr.  
9 Welch's position that we have treason rampant in the upper  
10 echelons of government. If Mr. Otepka shares this view of our  
11 government, he is obviously committed to ferret out the  
12 traitors, but we have the right to know what he's up to. If  
13 Mr. Otepka thinks that the dominant characteristic of those who  
14 shout "treason" is patriotism that should clearly be on the  
15 record.

16 In the 1968 pre-election issue of Liberty Lobby's "Liberty  
17 Letter," in which vindication of Mr. Otepka was listed by the  
18 Lobby as one of its key issues, Mr. Willis Carto or his editor  
19 starts out:

20 "For the first time since 1933, America will soon have a new  
21 President with no excuse to cover up the stupidity -- or  
22 treason -- of the preceding Administration.

23 "A whole generation of voters has been denied any opportu-  
24 nity to pass judgment on the anti-Americanism in the Departments  
25 of State and Defense, because of presidential 'cover-ups'

1 disguised as 'Executive Privilege,' which have kept the Congress  
2 from getting the answers to embarrassing questions. Surely,  
3 neither Richard Nixon nor George Wallace would try to protect  
4 Dean Rusk from exposure of the truth about the Otto Otepka case,  
5 for example, as Kennedy and Johnson did.

6 "An honest inquiry into the Otepka case is bound to lead to  
7 the downfall -- even imprisonment -- of somebody." (Exhibit I)

8 Does Mr. Otepka share this view that we were governed by  
9 men whose errors were "criminal" and that "traitors or worse"  
10 occupy the upper echelons of government?

11 Mr. Otepka is quoted as saying, "I am not going to discuss  
12 the ideological orientation of anyone I am associated with," and  
13 Mr. Sourwine's memo reports Mr. Otepka as saying, this is sub-  
14 stantially the tenor of remarks he made to newspaper reporters.

15 If Mr. Otepka cannot comment adversely on those who suggest  
16 that we are governed by traitors, this seems to me the most  
17 ominous kind of tie.

18 And this gets to my fourth point. The American Security  
19 Council, one voice of the military-industrial complex, has an  
20 established equity in the SACB. One of its staff members, Mr.  
21 Gill, did the Otepka biography. Some of its members are tied  
22 to the Defenders of American Liberties which also supplied funds  
23 for Mr. Otepka's legal defense actions. But most significant of  
24 all, the ASC chose the vote on the Proxmire Amendment which  
25 would have eliminated the SACB as one of the 10 to be used in



1 determining its National Security Issues Index Ratings of incum-  
2 bent senators.

3 Those who voted for all military appropriations and for the  
4 SACS got good ratings. Those who voted against them get bad  
5 ratings. This sounds ominously like Big Brother trying to  
6 establish "Patriotism Ratings" so that issues will be judged  
7 not on the merits but in relation to an orthodoxy.

8 The purpose of the American Security Council is to promote  
9 military expenditure. If it did not think the SACS important  
10 in that regard, it would not lump the vote on the Proxmire  
11 Amendment along with those on the C-5A and the ABM in its "rat-  
12 ings."

13 I suppose a senator's reactions may be influenced by how  
14 he fared on this scale. On the Judiciary Committee, Senators  
15 Eastland, McClellan, Scott, Gurney, Thurmond, Fong and Hruska  
16 got 100 percent; Senator Byrd, 90 percent, and Senator Cook,  
17 70 percent. Senators Hart, Kennedy, Tunney and Mathias received  
18 zeroes; Senator Bayh only 22 percent and Senator Burdick, 30  
19 percent.

20 On the surface, a senator with a "zero" National Security  
21 Issues Index rating sounds subversive.

22 Does Mr. Otopka approve of the National Security Issues  
23 Index Rating advanced by his supporters or are these the kind of  
24 "informal ties" which preclude his speaking out?

25 According to Mr. Otopka's biography, he had a list of

1 several hundred "prospects" in the State Department. The promo-  
2 tional literature (Exhibit J) in "Human Events, National Review"  
3 and others make much of the claim that they are still there.

4 In the authorized biography, Mr. Gill attributes to Mr.  
5 Otepka these thoughts:

6 "Real security risks had become increasingly difficult to  
7 identify in recent years. This is due in large part to the  
8 paucity of new defectors from the American Communist Party."  
9 The approved biography goes on to say, "Even after nearly eight  
10 years in the (State) Department, John Hanes (a security evalu-  
11 ator) couldn't bring himself to believe that honest-to-goodness  
12 Communists found it delightfully convenient to masquerade as  
13 Liberals just as Alger Hiss and all the others had done a  
14 decade before." <sup>11/</sup>

15 I'm sure it is not too much to ask of Mr. Otepka how he  
16 equates "Liberals" with subversion. It is not Mr. Otepka's  
17 equivocation his ties to the Rightwing which bother me so much  
18 as his truths.

19 From Salem on through at least the late Joe McCarthy era,  
20 our domestic witch-hunters have been a greater threat to our  
21 internal security than our domestic witches. Is Mr. Otepka  
22 certain in his own mind that "good and evil" are absolutes and  
23 that God has given him the infinite knowledge that he can  
24 disperse justice and absolution?

25 Will he be Judge Hathorne dispensing with a sure hand

1 sentences on those history will judge to be innocent?

2 A security evaluator must be willing to wreck a man's  
3 career by stamping a label on his records which may follow him  
4 through life.

5 I'm not attempting to stamp Mr. Otepka with such a label,  
6 but I am attempting to suggest areas of questions to which  
7 better answers must be forthcoming than we have received so far.  
8 If all America is to be the crucible in this era of anguishing  
9 change, any errors we make in the selection of those who will  
10 police the thoughts of others had better be on the side of  
11 compassion.

12 The alternative to Mr. Otepka's failure to reject the Birch  
13 Society's hateful ideology means his confirmation would give it  
14 a respectability it does not deserve. If Mr. Otepka thinks  
15 that the Birch Society, with its attacks on the institution of  
16 the Presidency, its cries of treason in high places and its  
17 view that a conspiracy is responsible for most social ferment,  
18 symbolizes "anti-Communism" it seems to me he has flunked the  
19 acid test.

20 (Listing of footnotes follows:)

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22  
23  
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Key in

NOTES

- (1) J. Edgar Hoover testimony. The Commission on the Assassination of President Kennedy, Pg. 101, Vol. 7, May 14, 1964.
- (2) Ref. J. G. Sawvine Memorandum to Senator Eastland, May 9, 1969, issued as part of Subcommittee of the Committee on the Judiciary report.
- (3) "And in every case (of Communist aggression) the Administration in Washington, whether headed by Eisenhower, Kennedy or Johnson, has been visibly and actively on the side of the Communist aggressors. Basically, it has been the same Administration all of the time, of course, controlled by the same influences, carrying out identically the same policies, with politically hermaphroditic characters, serving alike in so-called Republican or Democratic administrations, and with bi-partisan treason rampant everywhere." Robert Welch, "The Truth About Vietnam" Pg. 7.
- (4) Ref. The Bulletin of the John Birch Society, Nov., 1968.
- (5) Boehm v. SAGE. Court of Appeals, District of Columbia. The U. S. Supreme Court declined to review the District Court decision.
- (6) Ref. pp. 235-237 THE ORdeal OF OTTO OTENKA, William J. Gill, Arlington House, 1969.
- (7) Ibid., p. 90.
- (8) Ibid., pp. 66-67.
- (9) IMMENSE SWAMP INTEREST radio program, April 13 and 14, 1971.
- (10) THE ORdeal OF OTTO OTENKA, p. 230
- (11) IMM., p. 88

(The exhibits referred to follow:)

SUBCOMMITTEE INSERT

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1 Senator Hruska. Mr. Counsel, have you any questions?

2 Mr. Holloman. No.

3 Senator Hruska. The Chairman has none. Thank you very  
4 much.

5 The record will be kept open until the end of the week for  
6 such additional statements as any other witness may want to  
7 submit.

8 Let me ask again, is Senator Stephen Young in the committee  
9 room?

10 (No response)

11 Senator Hruska. He does not seem to be. His statement,  
12 which has been filed with the Subcommittee, will be placed in  
13 the record at this point.

14 (The statement referred to follows:)

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Statement of the Honorable Stephen M. Young, former United States Senator, on the nomination of Mr. Otto Otepka to the Subversive Activities Control Board, prepared for a hearing before a subcommittee of the Senate Judiciary Committee, scheduled for 10:30 a.m., Wednesday, May 19, 1971.

Mr. Chairman, I have come back to the Senate today as a concerned citizen to express to this Committee my views about the nomination of Otto Otepka to the Subversive Activities Control Board. I have expressed similar views before on the floor of the Senate, in connection with my motion to recommit his nomination at its first Senate consideration in June, 1969 for appointment to the unexpired term of Edward Sweeney. Thirty-five senators joined in voting to send the nomination back to this Committee, and twenty-eight voted against confirmation.

There are today the same and even more compelling reasons for the rejection of Otto Otepka's nomination. Then he was named for the remainder of an unexpired term, but today's nomination carries with it a long five years during which this man will be sitting on the SACB. In that respect, the action of this Committee in recommending confirmation---or, hopefully, rejecting the nomination---is even more important. This useless Board, established over the well-justified veto of President Truman, should be abolished and it is my fervent hope that it will be. It exists even though at a high cost as a sinecure for its politically favored appointees. With an officially estimated U.S. Communist Party membership which has been pegged at approximately 13,000, and with the SACB empowered only to deal with Communism, it has been hard put to find the minor functionaries it has recently fallen upon as make-work activities in an attempt to justify its existence. My position is still what it was nearly two years ago, when I said:

In the 19 years---now 21--- since its creation, the Subversive Activities Control Board has served no useful purpose and has not made a single contribution to the welfare or safety of the nation.

Testimony -2-

Although this judgment has not been in the least impaired in the last two years, its highly-paid members continue to draw their \$3,000 per month.

So it is the nomination made by President Nixon with which this hearing is concerned. It is a travesty to name to a five-year term on this Board, at a salary not far from double that he received when he was fired from the State Department, a man who so improperly breached his trust in the matter of the confidential security files under his control.

The SACB is concerned out of all proportion with the diminished threat of native Communism, but this nomination reflects a glaring insensitivity to the opposite and perhaps even more dangerous subversion of democracy by the hardcore right wing extremists. No person with the close ties, the eager financial support, and the ideology common to such groups as the John Birch Society and Liberty Lobby should stand in judgment even in a minor way, as does the SACB, over the ideology and activity of others. Crusading zeal leads to distortion of objectivity, and even the SACB deserves in its members a balanced and dispassionate approach.

The cause of the right wing will be advanced if the Senate approves this man who has been made a martyr and a hero by all manner of right-wing extremists. It is in those circles that more than \$21,000 was raised for Otepka's legal defense. It was the Liberty Lobby which produced and the John Birch Society which premiered in 1967 the color film "The Otepka Case", a preview at which the old Bundist of the '30's, Allen Zoll, was a speaker. It was James Stewart who organized the American Defense Fund and raised money for Otepka--- and it was his publication The New American which recommended American Opinion, the John Birch Society monthly magazine; Christian Crusade, the organ of far-right evangelist



Testimony -3-

Billy Hargis; and other similar publications.

Mr. Chairman, as a free American, Otto Otepka has the right to join or associate with the John Birch Society or any other organization. He has violated no laws in accepting money from Birchites or Sons of Birches to use the terminology of our friend, Senator Thomas Kuchel, or other lunatic rightwing sources to meet legal costs of his unsuccessful fight for reinstatement as chief security evaluator of the State Department. However, I question whether a man with such a record---a man who unhesitatingly accepted more than \$21,000 from these groups---should be confirmed for a post in which he will judge the loyalty of American citizens and organizations.

In my view, any man who has accepted support from the John Birch Society, the Liberty Lobby, and organizations of that ilk has a warped concept of Americanism, and has no place on the public payroll, particularly where he is in a position to do great damage to the reputations of private citizens.

Mr. Otepka was confirmed by the Senate for the balance of the term which expired last August 9. He has continued to serve since without reconfirmation. President Nixon has twice in these last months renominated him. These facts ~~do not~~ of themselves justify confirmation once again of an unfit nominee. Nor does it make the appointment more palatable simply because President Nixon by his original nomination kept a campaign promise calculated to woo the far right when he said he would see that (and I quote) "justice is accorded to this man who has served his country so long and so well."

**BEST AVAILABLE COPY**

Testimony -4-

I know that what I say today may have no more influence on the outcome of this nomination than did the things I said two years ago on the Senate floor. But the issue is one for which I have fought all my public life---integrity in the operation of our government. It brings not integrity but discredit to throw aside the criteria by which a nominee should be judged, to reward his recorded and confirmed violation of trust in office by promotion to more rewarding office, and to do so patently, as happened also in the matter of President Nixon's action in the Calley case, to court a segment of voter opinion as a useful aid to re-election.

Mr. Chairman, I urge this Committee to deny to Otto Otepka a recommendation for confirmation.

(Whereupon, at 11:30 a.m., the Subcommittee was adjourned, subject to the call of the Chair.)